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Security Council

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Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya

Note verbale dated 26 June 2011 from the Permanent Mission of Sweden to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Sweden to the United Nations has the honour to inform the following.

Sweden and the other member States of the European Union have jointly implemented the restrictive measures against Libya imposed by Security Council resolutions 1970 (2011) and 1973 (2011) by taking the following common measures:[1]

- Council Decision 2011/137/CFSP of 28 February 2011 concerning restrictive measures in view of the situation in Libya[2] as amended by Council Decision 2011/178/CFSP of 23 March 2011[3] and Council Decision 2011/332/CFSP of 7 June 2011[4]

The Council Decision set out the European Union's commitment to the implementation of all the measures contained in Security Council resolutions 1970 (2011) and 1973 (2011), and provides the basis for European Union-specific accompanying measures within the scope of the resolutions, notably:

(a) Export ban on equipment that might be used for internal repression;

(b) Autonomous designations under the visa ban and the asset freeze, to be decided by the Council of the European Union, of persons and entities involved in serious human rights abuses in Libya, including by being involved in attacks, in violation of international law, on civilian population and facilities.

[1] All common measures are published in the Official Journal of the European Union, which can be consulted through the following web pages: http://eur-lex.europa.eu/JOIndex.do?ihmlang=en (published issues) and http://eur-lex.europa.eu/RECH_menu.do?ihmlang=en (search form).

[2] Official Journal of the European Union, No. L 58, 3 March 2011.

[3] Ibid., No. L 78, 24 March 2011.

[4] Ibid., No. L 149, 8 June 2011.

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- Council Regulation (EU) No. 204/2011 of 2 March 2011 concerning restrictive measures in view of the situation in Libya[5] as amended by Council Regulation (EU) No. 296/2011 of 25 March 2011[6] and Council Regulation (EU) No. 572/2011 of 16 June 2011[7]

The Council has adopted a Council Regulation in order to implement the measures provided for in Council Decision 2011/137/CFSP that fall under the competence of the Union.

- Council Decisions implementing Council Decision 2011/137/CFSP and Council Regulations implementing Council Regulation (EU) No. 204/2011

The Council adopted a number of implementing Decisions[8] and Regulations[9] in order to include additional persons and entities in the list of persons and entities subject to European Union autonomous restrictive measures.

- Council Regulation (EC) No. 539/2001 of 15 March 2001 (and its subsequent amendments)[10]

This Regulation requires (among others) nationals of Libya to be in possession of a visa when entering the European Union.

As regards restrictions on admission (visa ban), Sweden's general aliens legislation, together with Council Decision 2011/137/CFSP and Regulation (EC) No. 539/2001, provides the basis for refusal of admission and denial of requests for a visa.

Implementation of the arms embargo (supply, sale and transfer to Libya) is carried out through the general Swedish arms export legislation (Military Equipment Act 1992:1300).

The ban on procurement of arms from Libya will be implemented through a national ordinance, yet to be adopted in agreement with Parliament.

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[5] Ibid., No. L 58, 3 March 2011.

[6] Ibid., No. L 80, 26 March 2011.

[7] Ibid., No. L 159, 17 June 2011.

[8] Council Decision 2011/156/CFSP of 10 March 2011, Official Journal of the European Union, No. L 64, 11 March 2011; Council Decision 2011/175/CFSP of 21 March 2011, Official Journal of the European Union, No. L 76, 22 March 2011; Council Decision 2011/236/CFSP of 12 April 2011, Official Journal of the European Union, No. L 100, 14 April 2011; Council Decision 2011/300/CFSP of 23 May 2011, Official Journal of the European Union, No. L 136, 24 May 2011; Council Decision 2011/345/CFSP of 16 June 2011, Official Journal of the European Union, No. L 159, 17 June 2011.

[9] Council Regulation (EU) No. 233/2011 of 10 March 2011, Official Journal of the European Union, No. L 64, 11 March 2011; Council Regulation (EU) No. 272/2011 of 21 March 2011, Official Journal of the European Union, No. L 76, 22 March 2011; Council Regulation (EU) No. 288/2011 of 23 March 2011, Official Journal of the European Union, No. L 78, 24 March 2011; Council Regulation (EU) No. 360/2011 of 12 April 2011, Official Journal of the European Union, No. L 100, 14 April 2011; Council Regulation (EU) No. 502/2011 of 23 May 2011, Official Journal of the European Union, No. L 136, 24 May 2011; Council Regulation (EU) No. 573/2011 of 16 June 2011, Official Journal of the European Union, No. L 159, 17 June 2011.

[10] Official Journal of the European Union, No. L 81, 21 March 2001.

The above-mentioned Council Regulations are binding in their entirety and directly applicable in all member States of the European Union.[11] Regulation (EU) No. 204/2011 requires member States to determine the penalties applicable to infringements of their provisions. The penalties determined by Sweden for breaches of the provisions contained in Council Regulations on economic sanctions or national ordinances based on sanctions decided by the United Nations or such Council Regulations on economic sanctions are set out in the Act (1996:95) on international sanctions. The Act (2000:1225) on penalties for smuggling may also be applicable.

[11] Regulation (EC) No. 539/2001 applies neither to Ireland nor to the United Kingdom.